

REMARKS

Receipt of the Office Action of February 12, 2007 is gratefully acknowledged.

The amendment to the abstract is objected to because "means is an improper legal phraseology often used in patent claims . . .".

This objection is respectfully traversed because the objected to phrase does not refer to structure as "means" does in a claim. Here, the phrase "by means of" does not identify structure but is used as a modifier. Such use is proper and in no way reflects the use of the term "means" found in a claim.

Claim 31 is objected to as "an improper multiple dependent claim . . .".

In reply thereto both claims 27 and 31 have been amended to properly define their dependency.

Claims 13-22 and 24-33 are finally rejected under 35 USC 102(e) by Fleckner et al., and claim 23 is finally rejected under 35 USC 103(a) over Fleckner et al. in view of Welches et al.

These rejections are respectfully traversed.

As previously noted, the invention of claims 13-35 is directed to a field device which is located apart from its fuel cell for determining a process variable. As a result, the field device can be located in a dangerous location, but not the fuel cells. This also renders fuel cell replacement easier. In addition, it is possible to use a centralized package of fuel cells for supplying multiple field devices rather than have a separate fuel cell for each of the multiple field devices.

Independent claim 13, defines a remote control station, at least one field device which exchanges data with the remote control station; and at least one fuel cell electrically connected with the field device, with the fuel cell located remotely from the field device. Contrary to the examiner's assertion, Fleckner et al. does not include all of this structure in the arrangement defined.

In the power generating system 10 of Fleckner et al the monitoring instrumentation 22 is mounted to individual fuel cells not remotely therefrom. Fleckner et al states that the fuel cell's "own electrical output may be used to power such a system from a remote location.." This, however, does not amount to mounting the fuel cell at a remote location. The monitoring instrumentation and the fuel cell are still

mounted together, which, of course, can be a dangerous location. The examiner's discussion of Fleckner et al relative to claim 13 found on page 3 of the Office Action misses the point. The discussion fails to mention the mounting of the monitoring instrumentation and the fuel cells. This distinction is also not addressed in the examiner's Response to Arguments found on page 16 of the Office Action. This distinction, if properly addressed will lead the examiner to the conclusion that claim 13 is not anticipated by Fleckner et al. Welches et al, although not applied against claim 13, would nevertheless not help even if combined with Fleckner et al, because it too does not teach the remote location feature of the invention.

The examiner is urged to reconsider the rejections noted above in view of the distinction discussed and advance a finding that claims 13 - 35 are now allowable.

If a discussion with the undersigned would help the examiner in his deliberation, he is invited to contact the undersigned at the number indicated.

Date: March 30, 2007

Respectfully submitted,
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